

**CHAPTER 3B—SOIL CONSERVATION**

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**CHAPTER REFERRED TO IN OTHER SECTIONS**

This chapter is referred to in title 7 sections 624, 1282, 1364, 1385, 1388, 1390, 1392, 2279; title 26 section 126.

**§ 590a. Prevention of soil erosion; surveys and investigations; preventive measures; cooperation with agencies and persons; acquisition of land**

It is recognized that the wastage of soil and moisture resources on farm, grazing, and forest lands of the Nation, resulting from soil erosion, is a menace to the national welfare and that it is declared to be the policy of Congress to provide permanently for the control and prevention of soil erosion and thereby to preserve natural resources, control floods, prevent impairment of reservoirs, and maintain the navigability of rivers and harbors, protect public health, public lands and relieve unemployment, and the Secretary of Agriculture, from now on, shall coordinate and direct all activities with relation to soil erosion and in order to effectuate this policy is authorized, from time to time—

(1) To conduct surveys, investigations, and research relating to the character of soil erosion and the preventive measures needed, to publish the results of any such surveys, investigations, or research, to disseminate information concerning such methods, and to conduct demonstrational projects in areas subject to erosion by wind or water;

(2) To carry out preventive measures, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land;

(3) To cooperate or enter into agreements with, or to furnish financial or other aid to, any agency, governmental or otherwise, or any person, subject to such conditions as he may deem necessary, for the purposes of this chapter; and

(4) To acquire lands, or rights or interests therein, by purchase, gift, condemnation, or otherwise, whenever necessary for the purposes of this chapter.

(Apr. 27, 1935, ch. 85, § 1, 49 Stat. 163.)

**SHORT TITLE**

See section 590q of this title.

**TRANSFER OF FUNCTIONS**

Enforcement functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with this chapter with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§ 102(f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade.

Functions of Soil Conservation Service in Department of Agriculture with respect to soil and moisture conservation operations conducted on lands under jurisdiction of Department of the Interior transferred to Department of the Interior, to be administered under direction and supervision of Secretary of the Interior through such agency or agencies in Department of the

Interior as Secretary shall designate, by Reorg. Plan No. IV of 1940, §6, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1234, set out in the Appendix to Title 5, Government Organization and Employees.

Soil Conservation Service consolidated with other agencies into Agricultural Conservation and Adjustment Administration for duration of World War II, see Ex. Ord. No. 9069, Feb. 23, 1942.

#### POLICY

Declaration of policy to continue the Soil Conservation and Domestic Allotment Act, see section 1282 of Title 7, Agriculture.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 590b of this title; title 26 section 126.

#### § 590b. Lands on which preventive measures may be taken

The acts authorized in section 590a(1) and (2) of this title may be performed—

(a) On lands owned or controlled by the United States or any of its agencies, with the cooperation of the agency having jurisdiction thereof; and

(b) On any other lands, upon obtaining proper consent or the necessary rights or interests in such lands.

(Apr. 27, 1935, ch. 85, §2, 49 Stat. 163.)

#### § 590c. Conditions under which benefits of law extended to nongovernment controlled lands

As a condition to the extending of any benefits under this chapter to any lands not owned or controlled by the United States or any of its agencies, the Secretary of Agriculture may, insofar as he may deem necessary for the purposes of this chapter, require—

(1) The enactment and reasonable safeguards for the enforcement of State and local laws imposing suitable permanent restrictions on the use of such lands and otherwise providing for the prevention of soil erosion;

(2) Agreements or covenants as to the permanent use of such lands; and

(3) Contributions in money, services, materials, or otherwise, to any operations conferring such benefits.

(Apr. 27, 1935, ch. 85, §3, 49 Stat. 163.)

#### TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with this chapter with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§102(f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade.

Functions respecting lands under jurisdiction of Department of the Interior, see Transfer of Functions note set out under section 590a of this title.

#### § 590d. Cooperation of governmental agencies; officers and employees, appointment and compensation; expenditures for personal services and supplies

For the purposes of this chapter, the Secretary of Agriculture may—

(1) Secure the cooperation of any governmental agency;

(2) Subject to the provisions of the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5, appoint and fix compensation of such officers and employees as he may deem necessary, except for a period not to exceed eight months from April 27, 1935, the Secretary of Agriculture may make appointments and may continue employees of the organization heretofore established for the purpose of administering those provisions of the National Industrial Recovery Act which relate to the prevention of soil erosion, without regard to the civil-service laws or regulations and the Classification Act, as amended; and any persons with technical or practical knowledge may be employed and compensated under this chapter on a basis to be determined by the Director of the Office of Personnel Management; and

(3) Make expenditures for personal services and rent in the District of Columbia and elsewhere, for the purchase of law books and books of reference, for printing and binding, for the purchase, operation, and maintenance of passenger-carrying vehicles, and perform such acts, and prescribe such regulations, as he may deem proper to carry out the provisions of this chapter.

(Apr. 27, 1935, ch. 85, §4, 49 Stat. 164; Oct. 28, 1949, ch. 782, title XI, §1106(a), 63 Stat. 972; 1978 Reorg. Plan No. 2, §102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3784.)

#### REFERENCES IN TEXT

The civil-service laws, referred to in par. (2), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

The National Industrial Recovery Act, referred to in par. (2), is act June 16, 1933, ch. 90, 48 Stat. 195, as amended, which was classified to sections 401 to 414 of Title 40, Public Buildings, Property, and Works, terminated June 30, 1943, by the provisions of act June 27, 1942, ch. 450, §1, 56 Stat. 410. For complete classification of this Act to the Code, see Tables.

The Classification Act, as amended, referred to in par. (2), is the Classification Act of 1923 (approved Mar. 4, 1923, ch. 265, 42 Stat. 1488), as amended, which was repealed by section 1202 of the Classification Act of 1949 (approved Oct. 28, 1949, ch. 782, 63 Stat. 972).

#### CODIFICATION

In par. (2), “chapter 51 and subchapter III of chapter 53 of title 5” substituted for “the Classification Act of 1949, as amended” on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

#### AMENDMENTS

1949—Par. (2). Act Oct. 28, 1949, substituted “Classification Act of 1949” for “Classification Act of 1923”.

#### REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, §8, 80 Stat. 632, 655.

## TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior related to compliance with system activities requiring coordination and approval under this chapter and such functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with this chapter with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§102(e), (f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade.

"Director of the Office of Personnel Management" substituted for "Civil Service Commission" and "Commission" in par. (2), pursuant to Reorg. Plan No. 2 of 1978, §102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred all functions vested by statute in the United States Civil Service Commission to the Director of the Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

Transfer of functions respecting lands under jurisdiction of Department of the Interior, see Transfer of Functions note set out under section 590a of this title.

**§ 590e. Repealed. Pub. L. 103-354, title II, § 246(f)(1), Oct. 13, 1994, 108 Stat. 3225**

Section, act Apr. 27, 1935, ch. 85, §5, 49 Stat. 164, related to establishment of Soil Conservation Service.

**§§ 590e-1, 590e-2. Omitted**

## CODIFICATION

Sections were omitted in view of the repeal of section 590e of this title which established the Soil Conservation Service.

Section 590e-1, act Sept. 30, 1994, Pub. L. 103-330, title II, 108 Stat. 2449, related to limitations on cost of construction, purchase, or improvement of buildings for Soil Conservation Service.

Section 590e-2, act Sept. 30, 1994, Pub. L. 103-330, title II, 108 Stat. 2450, related to temporary employment of local engineers by Soil Conservation Service.

## PRIOR PROVISIONS

Provisions similar to former section 590e-1 of this title were contained in following prior appropriation acts:

Oct. 21, 1993, Pub. L. 103-111, title II, 107 Stat. 1060.  
 Aug. 14, 1992, Pub. L. 102-341, title II, 106 Stat. 888.  
 Oct. 28, 1991, Pub. L. 102-142, title II, 105 Stat. 892.  
 Nov. 5, 1990, Pub. L. 101-506, title II, 104 Stat. 1335.  
 Nov. 21, 1989, Pub. L. 101-161, title II, 103 Stat. 971.  
 Oct. 1, 1988, Pub. L. 100-460, title II, 102 Stat. 2249.  
 Dec. 22, 1987, Pub. L. 100-202, §101(k) [title II], 101 Stat. 1329-322, 1329-343.  
 Oct. 18, 1986, Pub. L. 99-500, §101(a) [title II], 100 Stat. 1783, 1783-18, and Oct. 30, 1986, Pub. L. 99-591, §101(a) [title II], 100 Stat. 3341, 3341-18.  
 Dec. 19, 1985, Pub. L. 99-190, §101(a) [H.R. 3037, title II], 99 Stat. 1185.  
 Oct. 12, 1984, Pub. L. 98-473, title I, §101(a) [H.R. 5743, title II], 98 Stat. 1837.  
 Nov. 14, 1983, Pub. L. 98-151, §101(d) [H.R. 3223, title II], 97 Stat. 972.

Dec. 18, 1982, Pub. L. 97-370, title II, 96 Stat. 1802.  
 Dec. 23, 1981, Pub. L. 97-103, title II, 95 Stat. 1480.  
 Dec. 15, 1980, Pub. L. 96-528, title II, 94 Stat. 3108.  
 Nov. 9, 1979, Pub. L. 96-108, title II, 93 Stat. 833.  
 Oct. 11, 1978, Pub. L. 95-448, title II, 92 Stat. 1085.  
 Aug. 12, 1977, Pub. L. 95-97, title II, 91 Stat. 821.  
 July 12, 1976, Pub. L. 94-351, title II, 90 Stat. 862.  
 Oct. 21, 1975, Pub. L. 94-122, title II, 89 Stat. 658.  
 Dec. 31, 1974, Pub. L. 93-563, title III, 88 Stat. 1837.  
 Oct. 24, 1973, Pub. L. 93-135, title III, 87 Stat. 484.  
 Aug. 22, 1972, Pub. L. 92-399, title III, 86 Stat. 606.  
 Aug. 10, 1971, Pub. L. 92-73, title III, 85 Stat. 195.  
 Dec. 22, 1970, Pub. L. 91-566, title I, 84 Stat. 1484.  
 Nov. 26, 1969, Pub. L. 91-127, title I, 83 Stat. 248.  
 Aug. 8, 1968, Pub. L. 90-463, title I, 82 Stat. 642.  
 Oct. 24, 1967, Pub. L. 90-113, title I, 81 Stat. 323.  
 Sept. 7, 1966, Pub. L. 89-556, title I, 80 Stat. 692.  
 Nov. 2, 1965, Pub. L. 89-316, title I, 79 Stat. 1168.  
 Sept. 2, 1964, Pub. L. 88-573, title I, 78 Stat. 865.  
 Dec. 30, 1963, Pub. L. 88-250, title I, 77 Stat. 823.  
 Oct. 24, 1962, Pub. L. 87-879, title I, 76 Stat. 1206.  
 July 26, 1961, Pub. L. 87-112, title I, 75 Stat. 229.  
 June 29, 1960, Pub. L. 86-532, title I, 74 Stat. 234.  
 July 8, 1959, Pub. L. 86-80, title I, 73 Stat. 169.  
 June 13, 1958, Pub. L. 85-459, title I, 72 Stat. 190.  
 Aug. 2, 1957, Pub. L. 85-118, title I, 71 Stat. 335.  
 June 4, 1956, ch. 355, title I, 70 Stat. 231.  
 May 23, 1955, ch. 43, title I, 69 Stat. 54.  
 June 29, 1954, ch. 409, title I, 68 Stat. 310.  
 July 28, 1953, ch. 251, title I, 67 Stat. 215.  
 July 5, 1952, ch. 574, title I, 66 Stat. 345.  
 Aug. 31, 1951, ch. 374, title I, 65 Stat. 236.  
 Sept. 6, 1950, ch. 896, Ch. VI, title I, 64 Stat. 668.  
 June 29, 1949, ch. 280, title I, 63 Stat. 340.  
 June 19, 1948, ch. 543, 62 Stat. 524.  
 July 30, 1947, ch. 356, title I, 61 Stat. 523.  
 June 22, 1946, ch. 445, 60 Stat. 287.  
 May 5, 1945, ch. 109, 59 Stat. 156.  
 June 28, 1944, ch. 296, 58 Stat. 451.  
 July 12, 1943, ch. 215, 57 Stat. 411.  
 July 22, 1942, ch. 516, 56 Stat. 679.  
 July 1, 1941, ch. 267, 55 Stat. 421.  
 June 25, 1940, ch. 421, 54 Stat. 545.  
 June 30, 1939, ch. 253, 53 Stat. 954.  
 June 16, 1938, ch. 464, 52 Stat. 725.  
 June 29, 1937, ch. 404, 50 Stat. 410.  
 June 4, 1936, ch. 489, title I, 49 Stat. 1436.  
 Provisions similar to former section 590e-2 of this title were contained in following prior appropriation acts:  
 Oct. 21, 1993, Pub. L. 103-111, title II, 107 Stat. 1060.  
 Aug. 14, 1992, Pub. L. 102-341, title II, 106 Stat. 888.  
 Oct. 28, 1991, Pub. L. 102-142, title II, 105 Stat. 893.  
 Nov. 5, 1990, Pub. L. 101-506, title II, 104 Stat. 1336.  
 Nov. 21, 1989, Pub. L. 101-161, title II, 103 Stat. 972.  
 Oct. 1, 1988, Pub. L. 100-460, title II, 102 Stat. 2249.  
 Dec. 22, 1987, Pub. L. 100-202, §101(k) [title II], 101 Stat. 1329-322, 1329-343.  
 Oct. 18, 1986, Pub. L. 99-500, §101(a) [title II], 100 Stat. 1783, 1783-18, and Oct. 30, 1986, Pub. L. 99-591, §101(a) [title II], 100 Stat. 3341, 3341-18.  
 Dec. 19, 1985, Pub. L. 99-190, §101(a) [H.R. 3037, title II], 99 Stat. 1185.  
 Oct. 12, 1984, Pub. L. 98-473, title I, §101(a) [H.R. 5743, title II], 98 Stat. 1837.  
 Nov. 14, 1983, Pub. L. 98-151, §101(d) [H.R. 3223, title II], 97 Stat. 972.  
 Dec. 18, 1982, Pub. L. 97-370, title II, 96 Stat. 1802.  
 Dec. 23, 1981, Pub. L. 97-103, title II, 95 Stat. 1481.  
 Dec. 15, 1980, Pub. L. 96-528, title II, 94 Stat. 3109.  
 Nov. 9, 1979, Pub. L. 96-108, title II, 93 Stat. 833.  
 Oct. 11, 1978, Pub. L. 95-448, title II, 92 Stat. 1086.  
 Aug. 12, 1977, Pub. L. 95-97, title II, 91 Stat. 822.  
 July 12, 1976, Pub. L. 94-351, title II, 90 Stat. 862.  
 Oct. 21, 1975, Pub. L. 94-122, title II, 89 Stat. 658.  
 Dec. 31, 1974, Pub. L. 93-563, title III, 88 Stat. 1837.  
 Oct. 24, 1973, Pub. L. 93-135, title III, 87 Stat. 485.  
 Aug. 22, 1972, Pub. L. 92-399, title III, 86 Stat. 606.  
 Aug. 10, 1971, Pub. L. 92-73, title III, 85 Stat. 195.  
 Dec. 22, 1970, Pub. L. 91-566, title I, 84 Stat. 1484.

Nov. 26, 1969, Pub. L. 91-127, title I, 83 Stat. 248.  
 Aug. 8, 1968, Pub. L. 90-463, title I, 82 Stat. 642.  
 Oct. 24, 1967, Pub. L. 90-113, title I, 81 Stat. 323.  
 Sept. 7, 1966, Pub. L. 89-556, title I, 80 Stat. 692.  
 Nov. 2, 1965, Pub. L. 89-316, title I, 79 Stat. 1168.  
 Sept. 2, 1964, Pub. L. 88-573, title I, 78 Stat. 865.  
 Dec. 30, 1963, Pub. L. 88-250, title I, 77 Stat. 823.  
 Oct. 24, 1962, Pub. L. 87-879, title I, 76 Stat. 1206.  
 July 26, 1961, Pub. L. 87-112, title I, 75 Stat. 229.  
 June 29, 1960, Pub. L. 86-532, title I, 74 Stat. 235.  
 July 8, 1959, Pub. L. 86-80, title I, 73 Stat. 170.  
 June 13, 1958, Pub. L. 85-459, title I, 72 Stat. 191.  
 Aug. 2, 1957, Pub. L. 85-118, title I, 71 Stat. 335.  
 June 4, 1956, ch. 355, title I, 70 Stat. 232.  
 May 23, 1955, ch. 43, title I, 69 Stat. 54.  
 June 29, 1954, ch. 409, title I, 68 Stat. 310.  
 July 28, 1953, ch. 251, title I, 67 Stat. 215.  
 July 5, 1952, ch. 574, title I, 66 Stat. 346.

#### § 590f. Authorization of appropriation

There are authorized to be appropriated for the purposes of this chapter such sums as Congress may from time to time determine to be necessary.

Appropriations for carrying out this chapter allocated for the production or procurement of nursery stock by any Federal agency, or funds appropriated to any Federal agency for allocation to cooperating States for the production or procurement of nursery stock, shall remain available for expenditure for not more than three fiscal years.

(Apr. 27, 1935, ch. 85, § 6, 49 Stat. 164; Sept. 21, 1944, ch. 412, title III, § 302(a), 58 Stat. 738.)

#### AMENDMENTS

1944—Act Sept. 21, 1944, inserted second par.

#### § 590g. Additional policies and purposes of chapter

##### (a) Purposes enumerated

It is hereby declared to be the policy of this chapter also to secure, and the purposes of this chapter shall also include, (1) preservation and improvement of soil fertility; (2) promotion of the economic use and conservation of land; (3) diminution of exploitation and wasteful and unscientific use of national soil resources; (4) the protection of rivers and harbors against the results of soil erosion in aid of maintaining the navigability of waters and water courses and in aid of flood control; (5) reestablishment, at as rapid a rate as the Secretary of Agriculture determines to be practicable and in the general public interest, of the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms that prevailed during the five-year period August 1909–July 1914, inclusive, as determined from statistics available in the United States Department of Agriculture, and the maintenance of such ratio; (6) prevention and abatement of agricultural-related pollution,<sup>1</sup> and (7) the promotion of energy and water conservation through dry land farming. The powers conferred under this section and sections 590h, 590i, and 590j to 590n of this title shall be used to assist voluntary action calculated to effectuate the purposes specified in this section. Such powers shall not be used to discourage the production of

supplies of foods and fibers sufficient to maintain normal domestic human consumption as determined by the Secretary from the records of domestic human consumption in the years 1920 to 1929, inclusive, taking into consideration increased population, quantities of any commodity that were forced into domestic consumption by decline in exports during such period, current trends in domestic consumption and exports of particular commodities, and the quantities of substitutes available for domestic consumption within any general class of food commodities. In carrying out the purposes of this section due regard shall be given to the maintenance of a continuous and stable supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers.

##### (b) to (g) Repealed. Pub. L. 87-703, title I, § 101(1), Sept. 27, 1962, 76 Stat. 605

(Apr. 27, 1935, ch. 85, § 7, as added Feb. 29, 1936, ch. 104, § 1, 49 Stat. 1148; amended June 28, 1937, ch. 395, § 1, 50 Stat. 329; Pub. L. 87-703, title I, § 101(1), Sept. 27, 1962, 76 Stat. 605; Pub. L. 92-419, title VI, § 606(1), Aug. 30, 1972, 86 Stat. 676; Pub. L. 99-198, title XII, § 1253, Dec. 23, 1985, 99 Stat. 1517.)

#### AMENDMENTS

1985—Subsec. (a)(7). Pub. L. 99-198 added cl. (7).

1972—Subsec. (a)(6). Pub. L. 92-419 added cl. (6).

1962—Subsecs. (b) to (g). Pub. L. 87-703 repealed subsecs. (b) to (g) which provided for State plans as follows: subsec. (b), cooperation with States by making grants; subsec. (c), State plans; subsec. (d), conditions of plans; subsec. (e), approval of plans; subsec. (f), allocation of funds; and subsec. (g), apportionment of funds.

1937—Subsec. (g). Act June 28, 1937, substituted “any such apportionment of funds available for carrying out State plans during any year prior to 1942 may be made at any time prior to or during the year to which such plans relate” for “apportionments of funds available for carrying out the purposes specified in this section for the year 1936 may be made at any time during 1936, and apportionments for 1937 may be made at any time during 1937”.

#### TRANSFER OF FUNCTIONS

Functions respecting lands under jurisdiction of Department of the Interior, see Transfer of Functions note set out under section 590a of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590i, 590l, 590m, 590n, 590o, 3839aa of this title; title 7 sections 1388, 1391, 1392; title 12 section 1150a.

#### §§ 590g-1, 590g-2. Omitted

#### CODIFICATION

Section 590g-1, acts July 5, 1952, ch. 574, title I, 66 Stat. 347; July 28, 1953, ch. 251, title I, 67 Stat. 216, which related to allocations to the Soil Conservation Service for services of its technicians in formulating and carrying out the agricultural conservation program in the participating counties, was apparently restricted to the appropriation acts of which in each case it was a part.

Section 590g-2, act July 5, 1952, ch. 574, title I, 66 Stat. 347, which related to allocations for State agricultural conservation programs to be utilized in determining the most needed conservation practices on individual farms, was apparently restricted to the appropriation act of which it was a part.

<sup>1</sup> So in original. The comma probably should be a semicolon.

**§ 590h. Payments and grants of aid**

(a) **Repealed.** Pub. L. 87-703, title I, § 101(2), Sept. 27, 1962, 76 Stat. 605

**(b) Conservation and environmental assistance****(1) Environmental quality incentives program**

The Secretary shall provide technical assistance, cost-share payments, and incentive payments to operators through the environmental quality incentives program in accordance with chapter 4 of subtitle D of title XII of the Food Security Act of 1985 [16 U.S.C. 3839aa et seq.].

(2) to (4) **Repealed.** Pub. L. 104-127, title III, § 336(a)(1)(A)(i)(I), Apr. 4, 1996, 110 Stat. 1004

**(5) State, county, and area committees****(A) Appointment of State committees**

The Secretary shall appoint in each State a State committee composed of not fewer than 3 nor more than 5 members who are fairly representative of the farmers in the State. The members of a State committee shall serve at the pleasure of the Secretary for such term as the Secretary may establish.

**(B) Establishment of county, area, or local committees**

(i) In each county or area in which activities are carried out under this section, the Secretary shall establish a county or area committee.

(ii) Any such committee shall consist of not fewer than 3 nor more than 5 members who are fairly representative of the agricultural producers in the county or area and who shall be elected by the agricultural producers in such county or area under such procedures as the Secretary may prescribe.

(iii) The Secretary may designate local administrative areas within the county or larger area covered by a committee established under clause (i). Only agricultural producers within a local administrative area who participate or cooperate in programs administered within their area shall be eligible for nomination and election to the local committee for that area, under such regulations as the Secretary may prescribe.

(iv) The Secretary shall solicit and accept nominations from organizations representing the interests of socially disadvantaged groups (as defined in section 355(e)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)(1))).

(v) Members of each county, area, or local committee shall serve for terms not to exceed 3 years.

**(C) Termination or combination of committees**

The Secretary may not terminate a county or area committee or combine or consolidate two or more county or area committees unless—

(i) the Secretary first notifies the committee or committees involved of the proposed action; and

(ii) the State committee of the State in which the affected counties are located ap-

proves of such action in a vote taken after the end of the 60-day period beginning on the date the notification is received.

**(D) Use of committees**

The Secretary shall use the services of such committees in carrying out programs under this section and the agricultural credit programs under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) and in considering administrative appeals as provided by section 6932(d) of title 7. The Secretary may use the services of such committees in carrying out programs under other authorities administered by the Secretary.

**(E) Regulations**

The Secretary shall issue such regulations as the Secretary considers necessary relating to the selection and exercise of the functions of the respective committees, and to the administration through such committees of the programs described in subparagraph (D). Pursuant to such regulations, each county and area committee shall select an executive director for the area or county. Such selection shall be made in the same manner as provided for the selection of the county executive director under section 7.21(b)(2) of title 7, Code of Federal Regulations, as in effect on January 1, 1994. Regulations governing payments or grants under this subsection shall be as simple and direct as possible, and, whenever practicable, they shall be classified on the following two bases:

- (i) Soil-depleting practices.
- (ii) Soil-building practices.

**(F) Mandatory duties of Secretary**

In carrying out this section, the Secretary shall—

- (i) insofar as practicable, protect the interests of tenants and sharecroppers;
- (ii) accord such encouragement to producer-owned and producer-controlled cooperative associations as will be in harmony with the policy toward cooperative associations set forth in Federal laws and as will tend to promote efficient methods of marketing and distribution;
- (iii) in every practicable manner, protect the interests of small producers; and
- (iv) in every practical way, encourage and provide for soil-conserving and soil-rebuilding practices.

**(G) Discretionary authorities of Secretary**

In carrying out this section, the Secretary may use other approved agencies.

**(H) Limitations**

In carrying out this section, the Secretary shall not have the authority to acquire any land or any right or interest in land.

**(c) Apportionment of acreage allotments**

(1) In apportioning acreage allotments under this section in the case of wheat and corn, the National and State allotments and the allotments to counties shall be apportioned annually on the basis of the acreage seeded for the pro-

duction of the commodity during the ten calendar years immediately preceding the calendar year in which the national acreage allotment is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during the applicable period.

(2) In the case of wheat, the allotment to any county shall be apportioned annually by the Secretary, through the local committees, among the farms within such county on the basis of tillable acres, crop-rotation practices, type of soil, and topography. Not more than 3 per centum of such county allotment shall be apportioned to farms on which wheat has not been planted during any of the three marketing years immediately preceding the marketing year in which the allotment is made. Notwithstanding any other provision of this section, the allotments established, or which would have been established, for any farm acquired in 1940 or thereafter by the United States for national-defense purposes shall be placed in an allotment pool and shall be used only to establish allotments for other farms owned or acquired by the owner of the farm so acquired by the United States. The allotments so made for any farm, including a farm on which wheat has not been planted during any of the three marketing years preceding the marketing year in which the allotment is made, shall compare with the allotments established for other farms in the same area which are similar except for the past acreage of wheat.

(3) In the case of corn, the allotment to any county shall be apportioned annually by the Secretary, through the local committees, among the farms within such county on the basis of tillable acreage, type of soil, topography, and crop rotation practices.

(4) Repealed. Apr. 10, 1939, ch. 48, 53 Stat. 573.

(5) In determining normal yield per acre for any county under this section in the case of wheat or corn, the normal yield shall be the average yield per acre therein for such commodity during the ten calendar years immediately preceding the calendar year in which such yield is determined, adjusted for abnormal weather conditions and trends in yields. If for any reason there is no actual yield, or the data therefor are not available for any year, then an appraised yield for such year, determined in accordance with regulations of the Secretary, shall be used. If, on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such ten-year period is less than 75 per centum of the average (computed without regard to such year), such year shall be eliminated in calculating the normal yield per acre. Such normal yield per acre for any county need be redetermined only when the actual average yield for the ten calendar years immediately preceding the calendar year in which such yield is being reconsidered differs by at least 5 per centum from the actual average yield for the ten years upon which the existing normal yield per acre for the county was based.

(6) In determining normal yield per acre for any county under this section in the case of wheat or corn, the normal yield shall be the average yield per acre thereon for such commodity dur-

ing the ten calendar years immediately preceding the calendar year in which such yield is determined, adjusted for abnormal weather conditions and trends in yields. If for any such year the data are not available, or there is no actual yield, then the normal yield for the farm shall be appraised in accordance with regulations of the Secretary, taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available.

**(d) to (f) Repealed. Pub. L. 104-127, title III, § 336(a)(1)(A)(ii), Apr. 4, 1996, 110 Stat. 1004**

#### **(g) Assignment of payments**

A payment that may be made to a producer under this section may be assigned only in accordance with regulations issued by the Secretary. This subsection shall not authorize any suit against or impose any liability on the Secretary, any disbursing agent, or any agency of the United States if payment is made to the producer without regard to the existence of any such assignment.

(Apr. 27, 1935, ch. 85, § 8, as added Feb. 29, 1936, ch. 104, § 1, 49 Stat. 1149; amended June 28, 1937, ch. 395, § 1, 50 Stat. 329; Feb. 16, 1938, ch. 30, title I, §§ 101, 102, 103, 52 Stat. 31, 34, 35; Apr. 7, 1938, ch. 107, §§ 16-18, 52 Stat. 204, 205; Apr. 10, 1939, ch. 48, 53 Stat. 573; May 14, 1940, ch. 200, 54 Stat. 216; July 2, 1940, ch. 521, § 2, 54 Stat. 727; June 21, 1941, ch. 217, 55 Stat. 257; Dec. 26, 1941, ch. 626, § 1, 55 Stat. 860; Feb. 6, 1942, ch. 44, § 4, 56 Stat. 53; Sept. 29, 1942, ch. 568, 56 Stat. 761; Sept. 21, 1944, ch. 412, title III, § 301, 58 Stat. 737; July 25, 1946, ch. 642, 60 Stat. 663; July 3, 1948, ch. 827, title I, § 4, 62 Stat. 1250; Sept. 23, 1950, ch. 997, 64 Stat. 978; May 26, 1952, ch. 335, 66 Stat. 95; Aug. 28, 1954, ch. 1041, title V, § 501, 68 Stat. 907; Aug. 9, 1955, ch. 624, 69 Stat. 545; Apr. 6, 1956, ch. 186, 70 Stat. 105; July 24, 1956, ch. 668, 70 Stat. 597; Pub. L. 85-553, July 25, 1958, 72 Stat. 414; Pub. L. 86-70, § 13(a), June 25, 1959, 73 Stat. 143; Pub. L. 86-624, § 8(a), July 12, 1960, 74 Stat. 412; Pub. L. 87-703, title I, § 101(2), (3), Sept. 27, 1962, 76 Stat. 605, 606; Pub. L. 88-534, § 1, Aug. 31, 1964, 78 Stat. 743; Pub. L. 89-742, Nov. 2, 1966, 80 Stat. 1167; Pub. L. 92-419, title VI, §§ 605, 606(2)-(5), Aug. 30, 1972, 86 Stat. 676, 677; Pub. L. 95-113, title XV, § 1501(a), Sept. 29, 1977, 91 Stat. 1019; Pub. L. 96-294, title II, § 259, June 30, 1980, 94 Stat. 709; Pub. L. 99-198, title XVII, §§ 1711(a), 1712, Dec. 23, 1985, 99 Stat. 1635, 1636; Pub. L. 99-253, § 3, Feb. 28, 1986, 100 Stat. 36; Pub. L. 99-500, § 101(a) [title VI, § 645], Oct. 18, 1986, 100 Stat. 1783, 1783-36, and Pub. L. 99-591, § 101(a) [title VI, § 645], Oct. 30, 1986, 100 Stat. 3341, 3341-36; Pub. L. 99-641, title II, § 204, Nov. 10, 1986, 100 Stat. 3563; Pub. L. 101-624, title XI, § 1146, Nov. 28, 1990, 104 Stat. 3516; Pub. L. 102-237, title II, § 202, Dec. 13, 1991, 105 Stat. 1848; Pub. L. 103-354, title II, § 227(a), Oct. 13, 1994, 108 Stat. 3216; Pub. L. 104-127, title III, § 336(a)(1)(A), Apr. 4, 1996, 110 Stat. 1004.)

#### **REFERENCES IN TEXT**

The Food Security Act of 1985, referred to in subsec. (b)(1), is Pub. L. 99-198, Dec. 23, 1985, 99 Stat. 1354, as amended. Chapter 4 of subtitle D of title XII of the Act is classified generally to part IV (§ 3839aa et seq.) of subchapter IV of chapter 58 of this title. For complete classification of this Act to the Code, see Short Title of

1985 Amendment note set out under section 1281 of Title 7, Agriculture, and Tables.

The Consolidated Farm and Rural Development Act, referred to in subsec. (b)(5)(D), is title III of Pub. L. 87-128, Aug. 8, 1961, 75 Stat. 307, as amended, which is classified principally to chapter 50 (§1921 et seq.) of Title 7. For complete classification of this Act to the Code, see Short Title note set out under section 1921 of Title 7 and Tables.

#### CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

#### AMENDMENTS

1996—Subsec. (b)(1) to (4). Pub. L. 104-127, § 336(a)(1)(A)(i)(I), added par. (1) and struck out former pars. (1) to (4), which related to authorization to provide and eligibility for financial assistance in par. (1), description of purposes of assistance in par. (2), amount of assistance in par. (3), and factors to be considered in formulating national program in par. (4).

Subsec. (b)(6) to (8). Pub. L. 104-127, § 336(a)(1)(A)(i)(II), struck out pars. (6) to (8), which related to payments for conservation materials and services in par. (6), appropriations for farming materials and soil-terracing services in par. (7), and agreements with agricultural producers creating obligations in advance of appropriations in par. (8).

Subsecs. (d) to (f). Pub. L. 104-127, § 336(a)(1)(A)(ii), struck out subsecs. (d) to (f), which related to conditions affecting payments or grants of aid in subsec. (d), distribution of payments among landlords, tenants, and sharecroppers in subsec. (e), and change between landlord and tenants or sharecroppers affecting landlord's payments in subsec. (f).

1994—Subsec. (b). Pub. L. 103-354 designated first through eighth undesignated pars. as pars. (1) to (8), respectively, added par. (5), and struck out former par. (5) which related to State and local committees.

1991—Subsec. (b). Pub. L. 102-237, in fourteenth sentence of fifth par., inserted before period “, except that, in the case of a person elected to be a national officer or State president of the National Association of Farmer Elected Committeemen, the limitation shall be four consecutive terms”.

1990—Subsec. (g). Pub. L. 101-624 amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: “A payment which may be made to a farmer under this section, may be assigned, without discount, by him in writing as security for cash or advances to finance making a crop, handling or marketing an agricultural commodity, or performing a conservation practice. Such assignment shall be signed by the farmer and witnessed by a member of the county committee or by an employee of such committee, except that where the assignee is a bank whose deposits are insured by the Federal Deposit Insurance Corporation, the Farmers Home Administration, or a production credit association supervised by the Farm Credit Administration, such assignment may be witnessed by a bonded officer of the lending institution. Such assignment shall be filed with the county committee. Such assignment shall not be made to pay or secure any preexisting indebtedness. This provision shall not authorize any suit against or impose any liability upon the Secretary or any disbursing agent if payment to the farmer is made without regard to the existence of any such assignment. The Secretary shall prescribe such regulations as he determines necessary to carry out the provisions of this subsection.”

1986—Subsec. (b). Pub. L. 99-500, Pub. L. 99-591, Pub. L. 99-641, made substantially identical amendments to fifth par. of subsec. (b), inserting provisions which related to one local administrative area in any county for which there had been established less than three local administrative areas as of Dec. 23, 1985, and striking out “: *Provided*, That the foregoing requirement of this sentence shall not apply to any county that, on December 23, 1985, had less than three local administrative areas” after “committee for that area”.

Pub. L. 99-253, in fifth par., substituted “local committee” for “community committee” and provisions that each local administrative area have one local committee of at least three members elected to three-year terms in a local election to be held every third year, with exception for more than one local committee per administrative area, that only one local administrative area hold an election in any given year, that only farmers who are producers who participate or cooperate in the programs within their area be eligible for nomination and election, with this requirement not applying to any county that, on Dec. 23, 1985, had less than three local administrative areas, and that only farmers who are participating or cooperating producers within an area be eligible to vote in the election in that area, for provisions that farmers within any local administrative area, participating or cooperating in programs administered within such area, elect from among their number a local committee of not more than three members, with each member elected for a three-year term.

1985—Subsec. (b). Pub. L. 99-198, § 1712, in first sentence of fifth par., substituted “In carrying out the provisions of this section in the States of the Union, except Alaska, and as otherwise directed by law with respect to other programs and functions, the Secretary is directed to utilize the services of local and State committees selected as hereinafter provided; and the Secretary may use the services of such committees in carrying out other programs and functions of the Department of Agriculture” for “In carrying out the provisions of this section in the States of the Union, except Alaska, the Secretary is directed to utilize the services of local and State committees selected as hereinafter provided”.

Pub. L. 99-198, § 1711(a)(1), in third sentence of fifth par., substituted “There shall be 3 local administrative areas in each county, except that, in counties with less than one hundred and fifty farmers, the county committee selected as hereinafter provided may reduce the number of local administrative areas to one, and except that the Secretary may include more than one county or parts of different counties in a local administrative area when the Secretary determines that there are insufficient farmers in an area to establish a slate of candidates for a community committee and hold an election” for “No such local area shall include more than one county or parts of different counties”.

Pub. L. 99-198, § 1711(a)(2), in fourth sentence of fifth par., struck out “annually” after “shall elect”.

Pub. L. 99-198, § 1711(a)(3), in fifth par., inserted provisions directing that each member of a local committee be elected for a term of 3 years, that each local committee meet (A) once each year and shall receive compensation for such meeting by the Secretary at not less than the level in effect on December 31, 1985, and (B) at the direction of the county committee and with the approval of the State committee, such additional times during the year as may be necessary to carry out this section without compensation, and that the meetings of a local committee shall be held on different days of the year.

Pub. L. 99-198, § 1711(a)(4), in fifth par., inserted provisions directing that the local committees in each county (A) in a county in which there is more than one local committee, serve as advisors and consultants to the county committee; (B) periodically meet with the county committee and State committee to be informed on farm program issues; (C) communicate with producers within their communities on issues or concerns regarding farm programs; (D) report to the county committee, the State committee, and other interested persons on changes to, or modifications of, farm programs recommended by producers in their communities; and (E) perform such other functions as are required by law or as the Secretary may specify, and that the Secretary ensure that information concerning changes in Federal laws in effect with respect to agricultural programs and the administration of such laws are communicated in a timely manner to local committees in areas that

contain agricultural producers who might be affected by such changes.

1980—Subsec. (b). Pub. L. 96-294 added applicability to energy conservation as an area of conservation subject to financial assistance, and provisions setting forth authority for financial assistance to agricultural producers for encouraging energy conservation through cost sharing and technical assistance for shelter belts, etc.

1977—Subsec. (b). Pub. L. 95-113, § 1501(a)(1), (2), specified that financial assistance be provided to agricultural producers for carrying out enduring conservation and environmental enhancement measures, that eligibility for financial assistance be determined by the existence of conservation or environmental problems that reduce the productive capacity of the land and water or that cause environmental degradation, that financial assistance be a portion of the cost of the installation of conservation and environmental enhancement measures, that the Secretary of Agriculture be given discretion to set the level of payment based on a number of considerations relating to the level and distribution of benefits and costs accruing from the conservation problem and the applied remedy including the level of expected benefits to society, the total cost of the conservation practice, the degree to which the farmer benefits from other conservation programs, and the degree to which conservation would be applied in the absence of financial assistance, and that the Secretary be required to consider national and local needs and priorities in developing a national cost-share assistance program.

Subsec. (e). Pub. L. 95-113, § 1501(a)(3), struck out first three pars. which related to allotment and production adjustment activities and for provisions making small cost-share payments, and substituted a new par. authorizing the Secretary to establish a payment limitation. The first three pars. were deemed by the codifiers to constitute the first par., the flush sentence at the end of the first par., and the second par. to reflect the probable intent of Congress. See pp. 192, 193, 400, 401 of Senate Report 95-180.

1972—Subsec. (b). Pub. L. 92-419, §§ 605, 606(2), (3), added par. respecting long-term rural environmental protection contracts; included in first sentence reference to cl. (6) of section 590g of this title and in item (2) provided as a measure for amount of payments and grants the treatment or use of the land for the prevention or abatement of agriculture-related pollution; and included in the second paragraph provisions respecting making available pollution prevention or abatement aids and orders covering pollution prevention or abatement aids and carrying out by the producers or pollution prevention or abatement practices, respectfully.

Subsec. (d). Pub. L. 92-419, § 606(4), included reference to cl. (6) of section 590g(a) of this title in first par.

Subsec. (e). Pub. L. 92-419, § 606(5), inserted in proviso provision for payments based on agriculture-related pollution prevention or abatement practices.

1966—Subsec. (g). Pub. L. 89-742 permitted assignments for handling or marketing an agricultural commodity, or performing a conservation practice, broadened the qualifications as to who may witness the signature of a farmer assigning such payments, and directed the Secretary to promulgate such regulations necessary to carry out the provisions of this subsection.

1964—Subsec. (b). Pub. L. 88-534 provided that members of local committees and not delegates from local areas shall nominate and elect a county committee of three farmers in the county, substituted three year staggered terms of office for county committeemen in place of one year terms, limited committeemen to a maximum of three consecutive terms, and eliminated provisions for the annual election of delegates to a county convention for the election of a county committee.

1962—Subsec. (a). Pub. L. 87-703, § 101(2), repealed subsec. (a) which related to duration of authority of Secretary of Agriculture in the operation of a Federal program on a temporary basis.

Subsec. (b). Pub. L. 87-703, § 101(3), substituted introductory "The" for "subject to the limitations provided in subsection (a) of this section, the".

1960—Subsec. (b). Pub. L. 86-624 substituted "in the States of the Union, except Alaska" for "in the continental United States, except in Alaska".

1959—Subsec. (b). Pub. L. 86-70 inserted "except in Alaska" after "continental United States".

1958—Subsec. (a). Pub. L. 85-553 substituted "January 1, 1963" and "December 31, 1962" for "January 1, 1959" and "December 31, 1958", respectively, whenever appearing.

1956—Subsec. (a). Act July 24, 1956, substituted "January 1, 1959" and "December 31, 1958" for "January 1, 1957" and "December 31, 1956", respectively, wherever appearing.

Subsec. (b). Act Apr. 6, 1956, substituted "Clauses" for "In arid or semiarid sections," in second sentence.

1955—Subsec. (e). Act Aug. 9, 1955, authorized payments to persons carrying out conservation practices on federally owned noncropland.

1954—Subsec. (a). Act Aug. 28, 1954, § 501(a), (b), substituted "January 1, 1957" and "December 31, 1956" for "January 1, 1955" and "December 31, 1954" wherever appearing, and inserted last two sentences.

Subsec. (b). Act Aug. 28, 1954, § 501(c), struck out "at not to exceed a fair price fixed in accordance with regulations to be prescribed by the Secretary" after "furnished to producers" in second par., and inserted last sentence.

1952—Subsec. (a). Act May 26, 1952, substituted "January 1, 1955" for "January 1, 1953" wherever appearing and "December 31, 1954" for "December 31, 1952".

1950—Subsec. (a). Act Sept. 23, 1950, substituted "January 1, 1953" for "January 1, 1951" wherever appearing and "December 31, 1952" for "December 31, 1950".

1948—Subsec. (a). Act July 3, 1948, substituted "January 1, 1951" for "January 1, 1949" wherever appearing and "December 31, 1950" for "December 31, 1948".

1946—Subsec. (a). Act July 25, 1946, substituted "January 1, 1949" for "January 1, 1947" wherever appearing and "December 31, 1948" for "December 31, 1946".

1944—Subsec. (b). Act Sept. 21, 1944, inserted par. beginning "Appropriations are hereby".

Subsec. (e). Act Sept. 21, 1944, inserted par. beginning "Persons who carry".

1942—Subsec. (c)(2). Act Feb. 6, 1942, inserted last two sentences.

Subsec. (e). Act Sept. 29, 1942, amended first sentence.

1941—Subsec. (a). Act Dec. 26, 1941, substituted "January 1, 1947" for "January 1, 1942" wherever appearing and "December 31, 1946" for "December 31, 1941".

Subsec. (b). Act June 21, 1941, inserted par. beginning "Notwithstanding any other provisions of law".

1940—Subsec. (c)(5). Act July 2, 1940, inserted last sentence.

Subsec. (f). Act May 14, 1940, struck out last sentence which provided "Such limitations shall apply only if the county committee finds that the change or reduction is not justified and disapproves such change or reduction" and substituted last two sentences.

1939—Subsec. (c)(4). Act Apr. 10, 1939, repealed par. (4) which provided "Notwithstanding any other provision of this subsection, if, for any reason other than flood or drought, the acreage of wheat, cotton, corn, or rice planted on the farm is less than 80 per centum of the farm acreage allotment for such commodity for the purpose of payment, such farm acreage allotment shall be 25 per centum in excess of such planted acreage".

1938—Subsecs. (b) and (c) amended generally by act Feb. 16, 1938.

Subsec. (c)(5). Act Apr. 7, 1938, substituted "for any county" for "on any farm" in first sentence, and "therein," for "thereon".

Subsec. (c)(6). Act Apr. 7, 1938, added par. (6).

Subsecs. (d) to (g). Act Feb. 16, 1938, added subsecs. (d) to (g).

Subsec. (g). Act Apr. 7, 1938, substituted second and third sentences for sentences which provided "Such assignment shall be acknowledged by the farmer before



the county agricultural extension agent and filed with such agent. The farmer shall file with such county agricultural extension agent an affidavit stating that the assignment is not made to pay or secure any pre-existing indebtedness.”

1937—Subsec. (a). Act June 28, 1937, substituted “January 1, 1942” for “January 1, 1938” wherever appearing, and “December 31, 1941” for “December 31, 1937”.

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-624 effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101-624, set out as a note under section 1421 of this title.

#### EFFECTIVE DATE OF 1985 AMENDMENT

Section 1711(b)(1) of Pub. L. 99-198 provided that: “The amendments made by this section [amending this section] shall become effective on January 1, 1986, except that the amendments made by clauses (2) and (3) of subsection (a) [amending this section] shall not apply with respect to the term of office of any member of a local committee elected before January 1, 1986.”

#### EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as a note under section 1307 of Title 7, Agriculture.

#### EFFECTIVE DATE OF 1964 AMENDMENT

Section 3 of Pub. L. 88-534 provided that: “Section 1 of this Act [amending this section] shall become effective for elections of committeemen held on or after January 1, 1965.”

#### EFFECTIVE DATE OF 1948 AMENDMENT

Amendment by act July 3, 1948, effective July 3, 1948, see section 6 of act July 3, 1948, set out as a note under section 624 of Title 7, Agriculture.

#### EFFECTIVE DATE OF 1938 AMENDMENT

Section 105 of act Feb. 16, 1938, as amended by section 1 of act Apr. 7, 1938, provided that the amendments by that act, amending this section, “shall first be effective with respect to farming operations carried out in the calendar year 1938. Notwithstanding such amendments, payments with respect to farming operations carried out in the calendar year 1938 and based upon any soil-depleting crop for which special acreage allotments are established shall be made at not less than 90 per centum of the rates announced by the Secretary prior to the enactment of this act. Nothing contained herein shall require reconstituting, for 1938, any county or other local committee which has been constituted prior to February 1, 1938.”

#### TRANSFER OF FUNCTIONS

Functions respecting lands under jurisdiction of Department of the Interior, transfer to Department of the Interior, see Transfer of Functions note set out under section 590a of this title.

#### STATUS OF PERMANENT EMPLOYEES OF COUNTY COMMITTEES

Pub. L. 106-78, title VII, §740, Oct. 22, 1999, 113 Stat. 1166, provided that: “Notwithstanding any other provision of law, in fiscal year 2000 and thereafter, permanent employees of county committees employed on or after October 1, 1998, pursuant to [section] 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be considered as having Federal Civil Service status only for the purpose of applying for United States Department of Agriculture Civil Service vacancies.”

Similar provisions were contained in the following prior appropriation act: Pub. L. 105-277, div. A, §101(a) [title VII, §765], Oct. 21, 1998, 112 Stat. 2681, 2681-37.

#### LOCAL COMMITTEE MEMBER ELECTED BEFORE JANUARY 1, 1986; COMPLETION OF UNEXPIRED TERM IN ADMINISTRATIVE AREA OF RESIDENCE

Section 1711(b)(2) of Pub. L. 99-198 provided that: “If the number of local administrative areas and local committees in a county increases as a result of a change in the number of local administrative areas in the county under section 8(b) of the Soil Conservation and Domestic Allotment Act [subsec. (b) of this section] (as amended by subsection (a)(1)), any member of a local committee in such county elected before January 1, 1986, shall serve the unexpired portion of any term commenced before the date of such increase as a member of the local committee for the administrative area in which such member resides.”

#### CONGRESSIONAL FINDINGS RESPECTING THE AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY AND COMMUNITY COMMITTEE SYSTEM

Pub. L. 97-218, title IV, §401, July 20, 1982, 96 Stat. 216, provided that: “Congress finds that agricultural stabilization and conservation county and community committees have served, and should continue to serve, a vital function in implementing, at the local level, farm commodity, soil conservation, and related programs; and that, by assisting the United States Department of Agriculture to conduct such programs effectively, such committees provide substantial benefits to agriculture and the Nation. Congress further finds that the agricultural stabilization and conservation county and community committee system has developed, over the years, into a highly efficient mechanism for implementing such programs at the local level. Therefore, it is the sense of Congress that the Secretary of Agriculture should ensure that the structure and operations of the agricultural stabilization and conservation county and community committees, as heretofore developed to enable such committees to meet the responsibilities assigned them under section 8(b) of the Soil Conservation and Domestic Allotment Act [subsection (b) of this section], and related statutes and regulations, be preserved and strengthened.”

#### 1970 INCREASE IN RATES OF COMPENSATION OF PERSONS EMPLOYED BY COUNTY COMMITTEES

Adjustment by the Secretary of Agriculture, effective on the first day of the first pay period which begins on or after Dec. 27, 1969, of the rates of pay of personnel subject to this section with respect to individuals employed by county committees under subsec. (b) of this section, by the amounts of the adjustment for corresponding rates for employees subject to the General Schedule, set out in section 5332 of Title 5, which had been made by section 2 of Pub. L. 91-231 raising such rates by 6 percent, see Pub. L. 91-231, set out as a note under section 5332 of Title 5, Government Organization and Employees.

#### 1967 INCREASE IN RATES OF COMPENSATION OF PERSONS EMPLOYED BY COUNTY COMMITTEES

Pub. L. 90-206, title II, §210, Dec. 16, 1967, 81 Stat. 633, provided that: “The rates of pay of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by section 202(a) of this title [see section 5332(a) of Title 5, Government Organization and Employees] for corresponding rates of basic pay.”

[Section 210 of Pub. L. 90-206 effective as of beginning of first pay period which begins on or after Oct. 1, 1967, see section 220(a)(2) of Pub. L. 90-206, set out as a note under section 5332 of Title 5.]

1966 INCREASE IN RATES OF COMPENSATION OF PERSONS  
EMPLOYED BY COUNTY COMMITTEES

Pub. L. 89-504, title I, §107, July 18, 1966, 80 Stat. 293, provided that: "The rates of compensation of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by section 102(a) of this title [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] for corresponding rates of compensation."

1965 INCREASE IN RATES OF COMPENSATION OF PERSONS  
EMPLOYED BY COUNTY COMMITTEES

Pub. L. 89-301, §10, Oct. 29, 1965, 79 Stat. 1120, provided that: "The rates of compensation of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by section 2(a) of this Act [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] for corresponding rates of compensation."

[Provision effective on first day of first pay period which begins on or after July 1, 1966, see section 109(2) of Pub. L. 89-504.]

1964 INCREASE IN RATES OF COMPENSATION OF PERSONS  
EMPLOYED BY COUNTY COMMITTEES

Pub. L. 88-426, title I, §122, Aug. 14, 1964, 78 Stat. 412, provided that: "The rates of compensation of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable to the increases provided by section 102 of this Act [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] for corresponding rates of compensation in the appropriate schedule or scale of pay."

1962 INCREASE IN RATES OF COMPENSATION OF PERSONS  
EMPLOYED BY COUNTY COMMITTEES

Pub. L. 87-793, title VI, §1002, Oct. 11, 1962, 76 Stat. 865, provided that: "The rates of compensation of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by title II of this part [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] for corresponding rates of compensation in the appropriate schedule or scale of pay."

1960 INCREASE IN RATES OF COMPENSATION OF PERSONS  
EMPLOYED BY COUNTY COMMITTEES

Pub. L. 86-568, title I, §115(a), July 1, 1960, 74 Stat. 302, provided that: "The rates of compensation of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by this title [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] for corresponding rates of compensation in the appropriate schedule or scale of pay."

"Increases provided by this title", referred to above, means increases provided by title I of Pub. L. 86-568.

TWO COUNTY COMMITTEES FOR CERTAIN COUNTIES IN  
MINNESOTA AND IOWA

Pub. L. 85-278, Sept. 2, 1957, 71 Stat. 601, provided: "That, notwithstanding the provisions of subsection (b) of section 8 of the Soil Conservation and Domestic Al-

lotment Act [subsec. (b) of this section], two county committees shall be elected annually under such subsection for the counties of Otter Tail, Polk, and Saint Louis, in the State of Minnesota, and for the county of Pottawattamie, in the State of Iowa, and that the actions heretofore or hereafter taken by each of such committees shall be given the same effect in the area served by it as is given to the actions of the county committee in a county served by a single county committee."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590g, 590l, 590m, 590o, 590q-3, 3801, 3839aa, 3842 of this title; title 5 sections 3502, 5306, 5334, 5595, 6312, 8331, 8332, 8701, 8901; title 7 sections 1301, 1308-4, 1314c, 1358b, 1359a, 1359ff, 1359jj, 1388, 1391, 1392, 1433a, 1433c-1, 1444, 1446, 1471b, 1838, 1983, 2272, 2279a, 6912, 6913, 6932, 6962, 6991, 7001, 7214; title 12 section 1150a; title 15 section 714b; title 40 App. section 203.

§§ 590h-1, 590h-2. Omitted

CODIFICATION

Section 590h-1, act June 16, 1938, ch. 464, title I, 52 Stat. 746 (the Department of Agriculture Appropriation Act, 1939), which authorized the utilization of certain agencies in administering the naval stores conservation programs and in making payments to gum naval stores producers, was not repeated in subsequent appropriation acts.

Section 590h-2, act July 2, 1940, ch. 521, §9, 54 Stat. 729, which related to correction of certain inequities in agricultural adjustment or conservation payments, was omitted as executed.

§590h-3. Repealed. Pub. L. 88-534, §2, Aug. 31, 1964, 78 Stat. 743

Section, act Aug. 28, 1954, ch. 1041, title V, §503, 68 Stat. 908, provided that nothing in section 590h(b) of this title or in any other law, shall be construed to authorize the imposition of limitations upon the number of terms for which members of county committees established under such section may be reelected. See section 590h(b) of this title.

§590h-4. Repealed. Pub. L. 104-127, title III, §336(a)(2)(G), Apr. 4, 1996, 110 Stat. 1006

Section, act Aug. 3, 1956, ch. 950, §6(b), 70 Stat. 1033, provided conditions for payments of grants.

§590i. Surveys and investigations; publication of information

The Secretary is authorized to conduct surveys, investigations, and research relating to the conditions and factors affecting, and methods of accomplishing most effectively, the policy and purposes of section 590g(a) of this title. Notwithstanding any provision of existing law, the Secretary is authorized to make public such information as he deems necessary to carry out the provisions of this chapter.

(Apr. 27, 1935, ch. 85, §9, as added Feb. 29, 1936, ch. 104, §1, 49 Stat. 1150; amended June 28, 1937, ch. 395, §2, 50 Stat. 329; Pub. L. 97-375, title I, §103(c), Dec. 21, 1982, 96 Stat. 1819.)

AMENDMENTS

1982—Pub. L. 97-375 struck out requirement that the Secretary transmit to Congress a report on operations under this subchapter, including a statement by classes and amounts of expenditures and obligations, for the fiscal year ending June 30, 1937, and for each fiscal year thereafter.

1937—Act June 28, 1937, inserted last sentence.

#### TRANSFER OF FUNCTIONS

Functions respecting lands under jurisdiction of Department of the Interior, see Transfer of Functions note set out under section 590a of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590g, 590m of this title; title 7 sections 1388, 1391, 1392; title 12 section 1150a.

### § 590i-1. Omitted

#### CODIFICATION

Section, act July 22, 1942, ch. 516, 56 Stat. 691 (the Department of Agriculture Appropriation Act, 1943), which related to furnishing photographs, mosaics, and maps required by the Soil Conservation Service, was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:

July 1, 1941, ch. 267, 55 Stat. 434.  
June 25, 1940, ch. 421, 54 Stat. 560.  
June 30, 1939, ch. 253, title I, 53 Stat. 973.  
June 16, 1938, ch. 464, title I, 52 Stat. 744.  
June 29, 1937, ch. 404, 50 Stat. 429.

### § 590i-2. Omitted

#### CODIFICATION

Section, act July 2, 1942, ch. 473, 56 Stat. 508 (the Department of the Interior Appropriation Act, 1943), which related to furnishing photographs, mosaics, and maps required in soil conservation operations of the Department of the Interior, was not repeated in subsequent appropriation acts. Similar provision was contained in prior appropriation act of June 28, 1941, ch. 259, 55 Stat. 306.

### § 590j. “Agricultural commodity” defined

The term “agricultural commodity” as used in this chapter means any such commodity and any regional or market classification, type, or grade thereof.

(Apr. 27, 1935, ch. 85, §10, as added Feb. 29, 1936, ch. 104, §1, 49 Stat. 1150.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590g, 590m of this title; title 7 sections 1388, 1391, 1392; title 12 section 1150a.

### § 590k. Availability of funds

All funds available for carrying out this chapter shall be available for allotment to the bureaus and offices of the Department of Agriculture and for transfer to such other agencies of the Federal or State Governments, or to local public agencies, as the Secretary may request to cooperate or assist in carrying out this chapter, and for payments to committees or associations of producers in any region or regions to cover the estimated administrative expenses to be incurred by any such committee or association in cooperating in carrying out this chapter: *Provided*, That the Secretary may prescribe that all or part of such estimated expenses of any such committee or association may be deducted pro rata from the payments or grants made to the members thereof: *Provided further*, That the Secretary may make such payments in advance of determination of performance. Funds so transferred may be placed in a single account for each State.

(Apr. 27, 1935, ch. 85, §11, as added Feb. 29, 1936, ch. 104, §1, 49 Stat. 1150; amended June 24, 1936, ch. 767, 49 Stat. 1915; Aug. 3, 1956, ch. 950, §6(c), 70 Stat. 1033; Pub. L. 104-127, title III, §336(a)(1)(B), Apr. 4, 1996, 110 Stat. 1005.)

#### AMENDMENTS

1996—Pub. L. 104-127, at end of first sentence, substituted “performance” for “performance: *Provided further*, That the transfer of funds for services of technicians in formulating and carrying out agricultural conservation programs, from allotments for agricultural conservation payments within a State, shall be subject to such limitations and conditions as may be provided in appropriation or other law”.

1956—Act Aug. 3, 1956, authorized transfer of funds to local public agencies and provided that transfer of funds for services of technicians in formulating and carrying out agricultural programs from allotments for agricultural conservation payments within the State shall be subject to such limitations and conditions as may be provided in the appropriation or other law, and that funds so transferred may be placed in a single account for each State.

1936—Act June 24, 1936, authorized availability of funds for payments to committees or associations of producers to cover the estimated administrative expenses.

#### TRANSFER OF FUNCTIONS

Functions respecting lands under jurisdiction of Department of the Interior, see Transfer of Functions note set out under section 590a of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590g, 590m of this title; title 7 sections 1388, 1391, 1392; title 12 section 1150a.

### § 590l. Expansion of domestic and foreign markets for agricultural commodities; advances for crop insurance; transfer of funds to corporation

#### (a) Market expansion and surplus disposition

Whenever the Secretary finds that the exercise of the powers conferred in this section will tend to carry out the purpose specified in clause (5) of section 590g(a) of this title, or will tend to provide for and maintain a continuous and stable supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers, or both, he shall use such part as he deems necessary of the sums appropriated to carry out this chapter for the expansion of domestic and foreign markets or for seeking new or additional markets for agricultural commodities or the products thereof or for the removal or disposition of surpluses of such commodities or the products thereof.

#### (b) Advances for premiums

The Secretary is authorized to make advances to producers for the purpose of assisting them to insure their crops with the Federal Crop Insurance Corporation. The Secretary shall remit the amount of any such advances to a producer directly to such Corporation in payment of the premium on the insurance for which the producer has made application. Advances shall only be made to producers who are participating or who agree to participate in a program formulated pursuant to section 590h of this title. Except as otherwise provided in this subsection, the terms and conditions of such advances shall

be fixed by the Secretary. In carrying out the provisions of this subsection, the Secretary may transfer to the Federal Crop Insurance Corporation, prior to the execution of applications for insurance or requests for advances by producers, the funds estimated as necessary to cover the advances which will be requested for the payment of premiums under a crop-insurance program, and any portion of such funds not used for advances to producers under such program shall be returned to the Secretary by the Federal Crop Insurance Corporation.

(Apr. 27, 1935, ch. 85, §12, as added Feb. 29, 1936, ch. 104, §1, 49 Stat. 1151; amended Mar. 25, 1939, ch. 15, §3 Stat. 550; July 2, 1940, ch. 521, §1, 54 Stat. 727.)

#### AMENDMENTS

1940—Subsec. (b). Act July 2, 1940, inserted last sentence.

1939—Act Mar. 25, 1939, designated existing provisions as subsec. (a) and added subsec. (b).

#### TRANSFER OF FUNCTIONS

Administration of program of Federal Crop Insurance Corporation transferred to Secretary of Agriculture by Reorg. Plan No. 3 of 1946, §501, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1100, set out in the Appendix to Title 5, Government Organization and Employees.

Federal Crop Insurance Corporation consolidated with other agencies into Agricultural Conservation and Adjustment Administration for duration of World War II, see Ex. Ord. No. 9069, Feb. 23, 1942.

Functions respecting lands under jurisdiction of Department of the Interior, see Transfer of Functions note set out under section 590a of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590g, 590m of this title; title 7 sections 1388, 1391, 1392; title 12 section 1150a.

### § 590m. Execution of powers of Secretary by Production and Marketing Administration

Notwithstanding the foregoing provisions of this chapter, the Secretary is authorized and directed to provide for the execution by the Production and Marketing Administration of such powers conferred upon him under sections 590g, 590h, 590i, and 590j to 590n of this title as he deems may be appropriately exercised by such Administration, and for such purposes the provisions of law applicable to the appointment and compensation of persons employed by the Production and Marketing Administration shall apply.

(Apr. 27, 1935, ch. 85, §13, as added Feb. 29, 1936, ch. 104, §1, 49 Stat. 1151; amended 1946 Reorg. Plan No. 3, §501, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1100.)

#### TRANSFER OF FUNCTIONS

Production and Marketing Administration functions transferred to other units of Department of Agriculture under Secretary's memorandum 1320, supp. 4, of Nov. 2, 1953.

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

Agriculture Adjustment Administration consolidated into Production and Marketing Administration by Sec-

retary of Agriculture's Memorandum No. 1118, Aug. 18, 1945, which consolidation was ratified by 1946 Reorg. Plan No. 3, set out in the Appendix to Title 5, Government Organization and Employees.

Federal Crop Insurance Corporation consolidated with other agencies into Agricultural Conservation and Adjustment Administration for duration of World War II, see Ex. Ord. No. 9069, Feb. 23, 1942.

Functions respecting lands under jurisdiction of Department of the Interior, see Transfer of Functions note set out under section 590a of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 590g of this title; title 7 sections 1388, 1391, 1392; title 12 section 1150a.

### § 590n. Payments reviewable only by Secretary

The facts constituting the bases for any payment or grant or the amount thereof authorized to be made under section 590g of this title, when officially determined in conformity with rules or regulations prescribed by the Secretary of Agriculture, shall be reviewable only by the Secretary of Agriculture.

(Apr. 27, 1935, ch. 85, §14, as added Feb. 29, 1936, ch. 104, §1, 49 Stat. 1151; amended Aug. 3, 1956, ch. 950, §6(a), 70 Stat. 1033; Pub. L. 104-127, title III, §336(a)(1)(C), Apr. 4, 1996, 110 Stat. 1005.)

#### AMENDMENTS

1996—Pub. L. 104-127 struck out “or 590h” after “section 590g” and struck out at end “Payments to claimants under sections 590g, 590h, 590i, 590j to 590q, inclusive, of this title may be made upon the certificate of the claimant, which certificate shall be in such form as the Secretary of Agriculture may prescribe, that he has carried out the conservation practice or practices and has complied with all other requirements as conditions for such payments and that the statements and information contained in the application for payment are correct and true, to the best of his knowledge and belief, under the penalties of title 18.”

1956—Act Aug. 3, 1956, inserted provisions relating to payments to be made to claimant upon his certificate, and form of such certificate.

#### TRANSFER OF FUNCTIONS

Functions respecting lands under jurisdiction of Department of the Interior, see Transfer of Functions note set out under section 590a of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 590g of this title; title 7 sections 1388, 1391, 1392; title 12 section 1150a.

### § 590o. Authorization of appropriations; distribution of appropriated funds

To enable the Secretary of Agriculture to carry out the purposes of section 590g of this title there is authorized to be appropriated for any fiscal year not exceeding \$500,000,000. The amount appropriated shall be available until expended. The Secretary shall distribute the funds available for financial assistance among the several States in accordance with their conservation needs, as determined by the Secretary.

(Apr. 27, 1935, ch. 85, §15, as added Feb. 29, 1936, ch. 104, §1, 49 Stat. 1151; amended Feb. 16, 1938, ch. 30, title I, §104, 52 Stat. 35; Aug. 28, 1954, ch. 1041, title V, §502, 68 Stat. 908; Pub. L. 92-419, title VI, §606(6), Aug. 30, 1972, 86 Stat. 677; Pub. L. 95-113, title XV, §1501(b), Sept. 29, 1977, 91 Stat. 1020; Pub. L. 104-127, title III, §336(a)(1)(D), Apr. 4, 1996, 110 Stat. 1005.)

## AMENDMENTS

1996—Pub. L. 104-127 substituted “section 590g” for “sections 590g and 590h”, struck out “A specified amount or percentage of the appropriation shall be designated for long-term agreements based on farm and ranch conservation plans approved by local conservation districts, where such districts are organized,” before “The Secretary shall distribute”, and struck out last par. which read as follows: “Notwithstanding the foregoing provisions of this section and the provisions of section 590g(g) of this title, programs of soil-building practices, soil- and water-conserving practices, and agriculture-related pollution prevention and abatement practices shall be based on a distribution of the funds available for payments and grants among the several States in accordance with their conservation needs, as determined by the Secretary, except that the proportion allocated to any State shall not be reduced by more than 15 per centum from the distribution of such funds for the next preceding program year. In carrying out such programs, the Secretary shall give particular consideration to conservation problems on farm lands diverted from crops under acreage allotment programs and to the maintenance of a proper balance between soil conserving and soil depleting crops on the farm.”

1977—Pub. L. 95-113 inserted provisions directing that appropriated funds be available until expended, that funds be made available for long-term agreements, and that the Secretary distribute the available funds among the several States in accordance with their conservation needs as determined by the Secretary and struck out provisions setting out a formula for determining the proper allocation of funds as between the various commodities and making reference to programs of soil-building practices, soil-conserving and water-conserving practices, and agricultural-related pollution prevention and abatement practices.

1972—Pub. L. 92-419 made provisions of last paragraph respecting distribution of funds applicable to programs of agriculture-related pollution prevention and abatement practices.

1954—Act Aug. 28, 1954, inserted last par.

1938—Act Feb. 16, 1938, inserted par. beginning “The funds available”.

## EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as a note under section 1307 of Title 7, Agriculture.

## EFFECTIVE DATE OF 1938 AMENDMENT

Section 105 of act Feb. 16, 1938, as amended by section 1 of act Apr. 7, 1938, provided that the amendment made by that act, amending this section, “shall first be effective with respect to farming operations carried out in the calendar year 1938. Notwithstanding such amendments, payments with respect to farming operations carried out in the calendar year 1938 and based upon any soil-depleting crop for which special acreage allotments are established shall be made at not less than 90 per centum of the rates announced by the Secretary prior to the enactment of this act. Nothing contained herein shall require reconstituting, for 1938, any county or other local committee which has been constituted prior to February 1, 1938.”

## TRANSFER OF FUNCTIONS

Functions respecting lands under jurisdiction of Department of the Interior, see Transfer of Functions note set out under section 590a of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 7 sections 1292, 1301, 1388, 1391, 1392; title 12 section 1150a.

**§ 590p. Repealed. Pub. L. 104-127, title III, § 336(b)(1), Apr. 4, 1996, 110 Stat. 1006**

Section, act Apr. 27, 1935, ch. 85, § 16, as added Feb. 29, 1936, ch. 104, § 1, 49 Stat. 1151; amended Aug. 7, 1956, ch.

1030, § 1, 70 Stat. 1115; Sept. 14, 1960, Pub. L. 86-793, § 1, 74 Stat. 1030; Mar. 22, 1961, Pub. L. 87-5, § 2, 75 Stat. 6; Aug. 8, 1961, Pub. L. 87-128, title I, § 132, title IV, § 401, 75 Stat. 302, 319; Mar. 30, 1962, Pub. L. 87-425, § 2, 76 Stat. 50; May 15, 1962, Pub. L. 87-451, § 4, 76 Stat. 70; Sept. 27, 1962, Pub. L. 87-703, title I, § 101(4), (5), title III, § 302, 76 Stat. 606, 607, 612; May 20, 1963, Pub. L. 88-26, § 3, 77 Stat. 45; Nov. 3, 1965, Pub. L. 89-321, title III, § 302, title VI, § 602(g), 79 Stat. 1190, 1208; Oct. 11, 1968, Pub. L. 90-559, § 1(1), 82 Stat. 996; Nov. 18, 1969, Pub. L. 91-118, §§ 1-3, 83 Stat. 194, 195; Nov. 30, 1970, Pub. L. 91-524, title VIII, § 801, 84 Stat. 1379; June 6, 1980, Pub. L. 96-263, § 1, 94 Stat. 438; Nov. 28, 1990, Pub. L. 101-624, title XIV, § 1455, 104 Stat. 3614; Nov. 2, 1994, Pub. L. 103-437, § 6(s), 108 Stat. 4587, related to limitation on obligations incurred for purpose of carrying out certain sections and Great Plains conservation program.

**§ 590p-1. Limitation on wetlands drainage assistance to aid wildlife preservation; termination of limitation; redetermination of need for assistance upon change of ownership of lands**

The Secretary of Agriculture shall not enter into an agreement in the States of North Dakota, South Dakota, and Minnesota to provide financial or technical assistance for wetland drainage on a farm under authority of this chapter, if the Secretary of the Interior has made a finding that wildlife preservation will be materially harmed on that farm by such drainage and that preservation of such land in its undrained status will materially contribute to wildlife preservation and such finding, identifying specifically the farm and the land on that farm with respect to which the finding was made, has been filed with the Secretary of Agriculture within ninety days after the filing of the application for drainage assistance: *Provided*, That the limitation against furnishing such financial or technical assistance shall terminate (1) at such time as the Secretary of the Interior notifies the Secretary of Agriculture that such limitation should not be applicable, (2) one year after the date on which the adverse finding of the Secretary of the Interior was filed unless during that time an offer has been made by the Secretary of the Interior or a State government agency to lease or to purchase the wetland area from the owner thereof as a waterfowl resource, or (3) five years after the date on which such adverse finding was filed if such an offer to lease or to purchase such wetland area has not been accepted by the owner thereof: *Provided further*, That upon any change in the ownership of the land with respect to which such adverse finding was filed, the eligibility of such land for such financial or technical assistance shall be redetermined in accordance with the provisions of this section.

(Apr. 27, 1935, ch. 85, § 16A, as added Pub. L. 87-732, Oct. 2, 1962, 76 Stat. 696.)

**§ 590q. Coverage; “State” defined; short title**

(a) This chapter shall apply to the States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands, and, as used in this chapter, the term “State” includes Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands.

(b) This chapter may be cited as the “Soil Conservation and Domestic Allotment Act”.

(Apr. 27, 1935, ch. 85, §17, as added Feb. 29, 1936, ch. 104, §1, 49 Stat. 1151; amended July 26, 1947, ch. 339, §2, 61 Stat. 494; Pub. L. 86-70, §13(b), June 25, 1959, 73 Stat. 143; Pub. L. 86-624, §8(b), July 12, 1960, 74 Stat. 412; Pub. L. 98-454, title VI, §601(d), Oct. 5, 1984, 98 Stat. 1736.)

#### AMENDMENTS

1984—Subsec. (a). Pub. L. 98-454 inserted reference to Guam, American Samoa, and the Northern Mariana Islands in two places.

1960—Subsec. (a). Pub. L. 86-624 substituted “States, the Commonwealth of Puerto Rico” for “States, the Territory of Hawaii, and the possessions of Puerto Rico”, and struck out “Hawaii” from definition of “State”.

1959—Subsec. (a). Pub. L. 86-70 substituted “the States, the Territory of Hawaii,” for “the United States, the Territories of Alaska and Hawaii”, and struck out “Alaska,” after “the term ‘State’ includes”.

1947—Subsec. (a). Act July 26, 1947, included the Virgin Islands.

#### REPEALS

Section 3 of act July 26, 1947, repealed all laws in conflict therewith.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 7 sections 1388, 1391, 1392; title 12 section 1150a.

### § 590q-1. Sale and distribution of supplies, materials, and equipment to other Government agencies; reimbursement

The Soil Conservation Service subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], may sell and distribute supplies, materials, and equipment to other Government activities, the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) to be reimbursed to appropriations current at the time additional supplies, materials, or equipment are procured from the appropriations chargeable with the cost or value of such supplies, materials, or equipment.

(Sept. 21, 1944, ch. 412, title III, §302(b), 58 Stat. 738; Oct. 31, 1951, ch. 654, §2(12), 65 Stat. 707.)

#### REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of that act relating to disposal of Government property are classified to chapter 10 (§471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40 and Tables.

#### CODIFICATION

Section was enacted as part of the Department of Agriculture Organic Act of 1944, and not as part of the Soil Conservation and Domestic Allotment Act which comprises this chapter.

#### AMENDMENTS

1951—Act Oct. 31, 1951, inserted reference to applicable regulations of the Federal Property and Administrative Services Act of 1949, as amended.

### § 590q-2. Voluntary relinquishment of allotments

Notwithstanding any other provision of law, the Secretary may provide for the reduction or

cancellation of any allotment or base when the owner of the farm states in writing that he has no further use of such allotment or base.

(Pub. L. 91-524, title VIII, §803, Nov. 30, 1970, 84 Stat. 1381.)

#### CODIFICATION

Section was enacted as part of the Agriculture Act of 1970, and not as part of the Soil Conservation and Domestic Allotment Act which comprises this chapter.

### § 590q-3. Critical lands resource conservation program in Great Plains area

Notwithstanding any other provision of law—  
(a) **Authorization for program**

The Secretary of Agriculture is authorized to formulate and carry out a program with owners and operators of land in the Great Plains area as described in section 590p(b)<sup>1</sup> of this title to reduce runoff, soil and water erosion, and otherwise to promote the conservation of soil and water resources in such area through the conversion of cropland from soil depleting uses to conserving uses including the production of soil conserving cover crops.

(b) **Terms of agreements with owners or operators**

To effectuate the purposes of the program, the Secretary may enter into an agreement for a two-year period with an owner or operator as described in subsection (a) of this section whereby the owner or operator shall agree to devote to a soil conserving cover crop a specifically designated acreage of cropland on the farm up to 50 per centum of the acreage which had been planted to any soil depleting crop or crops in any of the two years preceding the date of the agreement. The agreement shall be renewable for annual periods thereafter subject to the mutual agreement of the owner or operator and the Secretary. In such agreement, the owner or operator shall agree (1) to plant a legume, or if not adapted to such area, an annual, biennial, or a perennial cover crop, as specified in the agreement; (2) to divert from production such portion of one or more crops designated by the Secretary as the Secretary determines necessary to effectuate the purpose of the program; (3) not to harvest any crop from or graze the designated acreage during the agreement period, unless the Secretary determines that it is necessary to permit grazing or harvesting in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster, and consents to such grazing or harvesting subject to an appropriate reduction in the rate of payment; (4) to give adequate assurance, as specified by the Secretary, that the land was not acquired for the purpose of placing it in the program: *Provided*, That the foregoing provision shall not prohibit the continuation of an agreement by a new owner if an agreement has once been entered into under this section nor prevent an owner or operator from placing a farm in the program if the farm was acquired by the owner to replace an eligible farm from which he was displaced because of its acquisition by any Fed-

<sup>1</sup> See References in Text note below.

eral, State, or other agency having the right of eminent domain; (5) to forfeit all rights to further payments under the agreement and refund to the United States all payments received thereunder upon his violation of the agreement at any stage during the time he has control of the land if the Secretary determines that such violation is of such a nature as to warrant termination of the agreement, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if the Secretary determines that the violation by the owner or operator does not warrant termination of the agreement; (6) upon transfer of his right and interest in the farm, during the agreement period, to forfeit all rights to further payments under the agreement and refund to the United States all payments received thereunder unless the transferee of any such land agrees with the Secretary to assume all obligations of the agreement; (7) not to adopt any practice specified by the Secretary in the agreement as a practice which would tend to defeat the purposes of the agreement; and (8) to such additional provisions as the Secretary determines are desirable to effectuate the purposes of the program or to facilitate the practical administration of the program, including such measures as the Secretary may deem appropriate to keep the designated acreage from eroding and free from weeds and rodents in accordance with good conservation systems.

**(c) Annual adjustment payments**

In consideration for such agreement, the Secretary shall make annual adjustment payments to the owner or operator for the period of the agreement at such rate or rates not in excess of \$30 per acre as the Secretary determines to be fair and reasonable. The Secretary may use an advertising and bid procedure in determining the lands in any area to be covered by agreements and the payment rate therefor. The Secretary and the owner or operator may agree that the annual adjustment payments for the agreement period shall be made either upon approval of the agreement or in such installments as they may agree to be desirable: *Provided*, That for each year any annual adjustment payment is made in advance of performance, the annual adjustment payment shall be reduced by 5 per centum.

**(d) Termination of agreements**

The Secretary may terminate any agreement under the program, by mutual agreement with the owner or operator, if the Secretary determines that such termination would be in the public interest, and may agree with the owner or operator to such modification of agreements as the Secretary may determine to be desirable to carry out the purposes of the program or facilitate its administration.

**(e) Preservation of cropland, crop acreage, and allotment history**

The Secretary may, to the extent the Secretary deems it desirable, provide by appropriate regulations for preservation of cropland, crop acreage, and allotment history applicable to acreage diverted from the production of crops to establish vegetative cover for the purpose of

any Federal program under which such history is used as a basis for an allotment or other limitation or for participation in such program.

**(f) Utilization of Federal and non-Federal offices**

In carrying out the program, the Secretary shall utilize the services of local, county, and State committees established under section 590h of this title and the technical services of the Soil Conservation Service and soil and water conservation districts.

**(g) Program payments**

In case any producer who is entitled to any payment under the program dies, becomes incompetent, or disappears before receiving such payment, or is succeeded by another who renders or completes the required performance, the payment shall, without regard to any other provisions of law, be made as the Secretary may determine to be fair and reasonable.

**(h) Tenants and sharecroppers**

The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis, in payments under the program.

**(i) Rules and regulations**

The Secretary shall prescribe such regulations as the Secretary determines necessary to carry out the provisions of this section.

**(j) Authorization of appropriations; utilization of Commodity Credit Corporation**

There are authorized to be appropriated for the period beginning October 1, 1977, and ending September 30, 1981, such sums as may be necessary to carry out the program provided for in this section. The Secretary is authorized to utilize the facilities, services, and authorities of the Commodity Credit Corporation in discharging the Secretary's functions and responsibilities under the program, including payment of costs of administration: *Provided*, That the Commodity Credit Corporation shall not make any expenditures for such purposes unless the Corporation has received funds to cover such expenditures from appropriations made to carry out this section.

(Pub. L. 95-113, title XV, § 1511, Sept. 29, 1977, 91 Stat. 1022.)

REFERENCES IN TEXT

Section 590p of this title, referred to in subsec. (a), was repealed by Pub. L. 104-127, title III, § 336(b)(1), Apr. 4, 1996, 110 Stat. 1006.

CODIFICATION

Section was enacted as part of the Food and Agriculture Act of 1977, and not as part of the Soil Conservation and Domestic Allotment Act which comprises this chapter.

EFFECTIVE DATE

Section effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as an Effective Date of 1977 Amendment note under section 1307 of Title 7, Agriculture.

**CHAPTER 3C—WATER CONSERVATION**

**SUBCHAPTER I—FACILITIES FOR WATER STORAGE AND UTILIZATION**

Sec.  
590r to 590x-4. Repealed.